IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 20TH NOVEMBER 2007 / 29TH KARTHIKA 1929

WP(C).No. 34204 of 2007(V)

PETITIONER:

1. HAKKEEM, S/O.ABDUL KASREEM,
   MADAMBRA HOUSE, KUNISSERY P.O.,
   ALATHUR TALUK, PALAKKAD.

2. ABDUR KAREEM, S/O.MUHAMMED MOIDEEN,
   MADAMBRA HOUSE, KUNISSERY P.O.,
   ALATHUR TALUK, PALAKKAD.

BY ADVs. SRI.A.R.GANGADAS
SRI.K.R.RAJKUMAR

RESPONDENTS:

---

1. THE DEPUTY TAHSILDAR (RR),
   ALATHUR, PALAKKAD.

2. THE MANAGING DIRECTOR,
   THE KERALA STATE BACKWARD
   CLASSES DEVELOPMENT
   CORPORATION LTD.,
   COTTON HILL,
   VAZHUTHAKKAD,
   THIRUVANANTHAPURAM-14.

3. THE BRANCH MANAGER,
   THE KERALA STATE BACKWARD CLASSES
   DEVELOPMENT CORPORATION LTD.,
   NINANS SHOPPING COMPLEX,
   METTUPALAYAM STREET,
   PALAKKAD-678 001.

BY STANDING COUNSEL SMT.P. DEEPTHI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.34204 of 2007 V

Dated this the 20th day of November, 2007.

JUDGMENT

First petitioner availed a loan of Rs.35,000/- from the 3rd respondent corporation in the year 2002. The repayment was to be effected in 60 instalments of Rs.705/- each. Apparently, land belonging to the 2nd petitioner, having an extent of 60 cents was also given as security. An amount of Rs.23658/- has already been remitted by the first petitioner till date, he contends. Thereafter, the father-the 2nd petitioner was hospitalized at the Jubilee Mission Hospital, Thrissur for treatment of Malignancy in throat. Petitioners met with acute financial stringency and hence there was default in repayment. Ext.P3 demand notice under the Revenue Recovery Act has been issued demanding a sum Rs.48,870/-. It is aggrieved by Ext.P3 demand notice, the writ petition is filed.

2. In my view, taking note of the fact that the first petitioner has remitted a substantial amount against the

loan availed by him, it is only appropriate that the 2nd respondent looks into the petitioner's grievance.

In the result, writ petition is disposed of directing the first petitioner to file a representation before the 3rd respondent, raising his objections as regards Ext.P3 and the correctness of the amount demanded therein. First Petitioner may also raise a claim for remission of the interest on the defaulted amount. Bestowing sympathetic consideration, the 3rd respondent shall take a decision on such objections, within two months from the date of receipt of the representation. Further proceedings pursuant to Ext.P3 will be kept in abeyance pending decision on the representation as aforementioned.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge